

# **Board of Adjustment**

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## **Minutes**



**City Council Chambers, Lower Level  
November 12, 2008**

**Board members Present:**

Mike Clement, Chair  
Dianne von Borstel, Vice Chair  
Scott Thomas  
Garrett McCray  
Linda Sullivan  
Greg Hitchens

**Board members Absent:**

Terry Worcester (excused)

**Staff Present:**

Gordon Sheffield  
Jeff McVay  
Brandice Elliott  
Kelly Arredondo

**Others Present:**

Joseph Reilly	Benjamin Scheier	Rulon Anderson
Charles Huellmantel	Paul O'Connor	Ed Leclere
Joel Davis		

The study session began at 4:44 p.m. The Public Hearing meeting began at 5:54 p.m. Before adjournment at 6:35 p.m., the following items were considered and recorded on Board of Adjustment CD #11.

**Study Session 4:44 p.m.**

- A. The study session began at 4:39 p.m. The items scheduled for the Board's Public Hearing were discussed.
- B. Zoning Administrator update – The Zoning Administrator informed the Board that the Lower Level Council Chambers would not be available for the March 10, 2009, hearing date. When asked, the Board indicated that it would prefer to keep the same hearing date and meet in a different location.

**Public Hearing 5:54 p.m.**

- A. Consider Minutes from the October 14, 2008 Meeting A motion was made to approve the minutes by Boardmember Sullivan and seconded by Boardmember Thomas. Vote: Passed 6-0
- B. Consent Agenda A motion to approve the consent agenda as read was made by Boardmember Hitchens and seconded by Boardmember McCray. Vote: Passed 6-0

**Board of Adjustment Meeting  
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**Case No.:** BA08-053

**Location:** 4550 East Mallory Circle

**Subject:** Requesting a variance to allow: 1) a fence that exceeds the maximum height permitted in the front setback; 2) a reduction in the front setback; 3) a reduction in foundation base width; 4) a reduction in foundation perimeter and foundation base landscape plantings; and 5) a reduction in the number of on-site parking spaces provided; all in conjunction with the development of a hangar project in the M-1 zoning district.

**Decision:** Approved with conditions.

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Boardmember Hitchens, seconded by Boardmember McCray to approve case BA08-053 with the following conditions.

1. *Compliance with the site plan submitted, except as modified by the conditions below.*
2. *The chain link security fence shall be replaced with a wrought iron security fence and relocated to provide a twenty-foot (20') front setback.*
3. *One 8' x 15' parking lot landscape island shall be provided at the east end of the parking row located adjacent to hangar seventeen (17), and the easternmost parking space located in the parking row adjacent to the south lease line shall be converted into a parking lot landscape island.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

**Vote:** Passed 6-0

**Findings:**

- 1.1 The approved request consists of the development of three buildings in Falcon Field Airport that will be divided into 32 hangars. Several variances have been approved for the development related to parking, landscape setbacks, parking lot landscape islands, foundation base, and foundation base landscaping.
- 1.2 The applicant has provided a landscape setback of 5.29-feet adjacent to Mallory Circle. The reduced setback is due to the maintenance of an existing security fence, which significantly limits the front landscape area. However, it has been confirmed with Airport staff that the fence may be relocated to provide a 20-foot setback, as required by current Code. Consistent with the design guidelines, the fence must be replaced with a wrought iron fence. A condition has been included to address the fence material and front setback.
- 1.3 Foundation base landscape is discouraged in secured areas of an airport because it attracts wildlife. The Federal Aviation Administration does not support the planting of any type of vegetation in or around an active runway, taxiway, taxi lane, or aircraft-parking apron due to the likelihood of potential bird strikes. The use of an airport is a unique condition that justifies the request for no foundation base landscape in the secured area.

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- 1.4** While landscaping is not permitted in secured airport areas, parking lot landscape islands can provide a safety benefit to traffic circulation within the parking lot. While the islands would not be landscaped, they would be provided as a means of capping parking rows. One would be provided at the east end of the parking row located adjacent to the south lease line, and another island would be provided at the east end of the parking row located south of hangar 17. A condition has been included to address the addition of two parking lot landscape islands.
- 1.5** While the Falcon Field Design Guidelines have not been formally adopted, they provide informal guidance in identifying unique development characteristics associated with the airport. The guidelines suggest that hangar parking be provided at a ratio of 1 space per 2000 square feet of gross floor area rather than the ratio of 1 space per 900 square feet of gross floor area required by current Code. Using these guidelines, this development would be required to provide 41 parking spaces, while current Code requires 91. Fifty-five parking spaces have been provided, which consists of one space per hangar and 23 surface parking spaces. The conversion of one parking space into a parking lot island has been considered in the total calculation. The Airport is a unique use that is not specifically considered in current Code requirements. While it is reasonable for a typical commercial or industrial development to provide parking in accordance with current Code, an Airport functions quite differently. It is common practice for pilots to park their vehicle in the hangar once the aircraft has been removed, as the hangar provides a more secure parking area than surface parking. Therefore, the approved parking will be sufficient for the development, and consistent with current Airport practices.
- 1.6** Development within an Airport is not specifically addressed by current Code requirements, and is different from typical development, as properties tend to be more constricted due to smaller lot sizes. As a result, the approved variances related to foundation base, foundation base landscape, parking, and parking lot landscape islands are justified, and comparable to other sites within the Airport. Additionally, the proposed use and improvements will be compatible with, and not detrimental to, adjacent properties in the area.

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**Board of Adjustment Meeting  
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**Case No.:** BA08-056

**Location:** 3632 North Sky Point Circle

**Subject:** Requesting a Special Use Permit to allow more than one accessory living quarters in conjunction with the development of a single residence in the R1-90-DMP zoning district.

**Decision:** Approved with conditions.

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Boardmember Hitchens, seconded by Boardmember McCray to approve case BA08-056 with the following conditions:

1. *Compliance with site plan submitted, except as modified by the conditions listed below.*
2. *The accessory living quarters shall not be leased or rented.*
3. *Compliance with all requirements of the Building Safety Division in the issuance of sign permits.*

**Vote:** Passed 6-0

**Findings:**

- 1.1 The approved Accessory Living Quarters (ALQs) would be directly accessible from and architecturally compatible with the primary dwelling. The primary dwelling and the ALQs are located within the buildable lot area. The applicant has noted that due to the electric requirements, the house will receive two electric services. However, none of the ALQs will be separately connected to an electric service. The ALQs will not have an entrance visible from the public right-of-way. The primary dwelling has a total roof area of 11,678 square feet of which approximately 1,960 square feet is devoted to ALQs, or 16.8 percent where a maximum of 50 percent is permitted. Finally, the applicant has stated that the ALQs will not be leased or rented and are intended for the sole use of guests.
- 1.2 Based on the building's floor plan, it is unlikely that the casitas or service bedroom would be utilized for leased or rented living units. In addition to the applicant's statements to that effect, the Las Sendas HOA would not permit the lease or rental of the casitas or service bedroom. The residences architecture and floor plan have received the review and approval by the HOA.
- 1.3 The intent of the SUP requirement is to ensure that ALQs that do not meet the six criteria will still be utilized for family, guest, or employees and not as rental units. Based on the above analysis, the intent of the Ordinance requirements is being met. Further, the requested ALQs would be compatible with and not detrimental to surrounding properties.

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**Board of Adjustment Meeting  
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**Case No.:** BA08-057

**Location:** 8425 East Scarlett Circle

**Subject:** Requesting a Special Use Permit (SUP) for Commercial Communication Towers in the R1-90-DMP zoning district.

**Decision:** Approved with conditions

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Boardmember Hitchens, seconded by Boardmember McCray to approve case BA08-057 with the following conditions:

1. *Compliance with the site plan submitted except as modified by the following conditions below:*
2. *No additional carriers shall be permitted on either commercial communication tower.*
3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

**Vote:** Passed 6-0

**Findings:**

- 1.1 The proposed 30- and 20-foot high Commercial Communication Towers (CCTs) would be placed in the southwest corner of an existing City of Mesa water tank site located northeast of the intersection of Hawes and Thomas Roads. The subject property is zoned R1-90, which permits CCTs subject to the approval of a Special Use Permit (SUP). Approval of a SUP requires finding the CCT is compatible with and not detrimental to surrounding properties and is consistent with the General Plan and other recognized plans and City Council policies, including the Commercial Communication Tower Guidelines, adopted in 1997.
- 1.2 Two faux cacti are necessary to allow two antennas per sector and thus sufficient wireless capacity. The CCTs design will be based on a saguaro cactus with the exception of needles. Antennas and cables would be housed within and fully concealed by the faux cactus exterior.
- 1.3 The CCTs will exceed the setback recommendations from Scarlet Avenue and from the adjacent residential properties to the north, east, and west. The 20-foot tall CCT will have a 10-foot setback from the south property line and the 30-foot CCT will have a 20-foot setback from the south property line, where the guidelines would recommend 40 feet and 60 feet, respectively.
- 1.4 While there will be a reduction in the recommended setback from the south property line, the use of a stealth design can mitigate the reduction. Additionally, the guidelines were developed using a typical CCT as a baseline. In this instance, the CCT heights proposed are 30 feet and 20 feet where standard CCT height requests are 55 to 65 feet. Finally, the tallest CCT does not exceed the maximum permitted height for residential structures in the R1-90 zoning district, 30 feet.

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- 1.5** The applicant held a community meeting at the proposed site. Notification of the meeting was sent to all property owners within 1,000 feet of the site. Four community members attended the meeting. Based on the meeting report provided, those present were not opposed to the proposal.
- 1.6** The CCTs are an allowed use in R1-90-DMP Zoning District subject to granting of a Special Use Permit. The location of the proposed CCT exceeds the Commercial Communication Tower Guidelines recommended setback from adjacent street, but does not meet the minimum setback from residential property to the south. While use of faux cacti will be very effective in camouflaging the CCTs, such design limits the co-location of additional wireless carriers. Given the effective stealth design, the relatively short height of the CCTs, and the context of the site, the proposed CCT would be compatible with and not detrimental to surrounding properties.

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**Board of Adjustment Meeting  
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**Case No.:** BA08-058

**Location:** 1101 South Ellsworth Road

**Subject:** Requesting a Special Use Permit (SUP) to allow the placement of manufactured homes on recreational vehicle spaces in the R-4 zoning district.

**Decision:** Approved with conditions

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Boardmember Hitchens, seconded by Boardmember McCray to approve case BA08-058 with the following conditions:

1. *Compliance with the site plan submitted, unless modified by the conditions below.*
2. *Provision of a total of forty-five (45) trees and one hundred thirty-five (135) shrubs adjacent to Southern Avenue. Fifty percent (50%) of the landscaping shall be installed with the installation of the first manufactured home and the balance shall be installed with the installation of the tenth manufactured home.*
3. *Provision of a total of twenty-five (25) trees and one hundred (100) shrubs adjacent to 96<sup>th</sup> Street. Fifty percent (50%) of the landscaping shall be installed with the installation of the first manufactured home and the balance shall be installed with the installation of the tenth manufactured home.*
4. *The placement of two identical elevations on adjacent lots or on lots across the street from each other shall be prohibited.*
5. *The placement of more than two identical elevations with different exterior colors within five consecutive lots on the same side of the street shall be prohibited.*
6. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

**Vote:** Passed 6-0

**Findings:**

- 1.1 The requested Special Use Permit would allow the placement of MHs on RV spaces within the 60 acre The Resort development. In total, 792 RV spaces would be eligible for placement of MHs.
- 1.2 The proposed SUP exceeds the minimum requirements for overall park size criteria (60 acres where 10 acres is minimum); exceeds the minimum space size criteria (minimum 1,869 square feet where 1,200 square feet is minimum); exceeds the minimum space width and depth criteria (minimum 37'x47' where 34'x40' is minimum); exceeds the minimum parking criteria; exceeds the minimum open space and recreational area criteria (236,440 square feet where 79,200 square feet is minimum); and complies with the maximum enclosed floor area for units (1,083 square feet where 1,100 square feet is maximum).

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- 1.3** The proposal is consistent with the recently approved Zoning Ordinance requirements. The subject site is designated Medium Density Residential, 6-10 dwelling units/acre in the General Plan. Consistent with the General Plan, the overall development results in a density of 9.3 dwelling units/acre and is consistent with General Plan policies that support variety in housing stock, revitalization of existing developments, and improved housing construction standards and housing efficiency.
- 1.4** The conditions of approval include the provision of 45 trees and 135 shrubs adjacent to Southern Avenue and 25 trees and 100 shrubs adjacent to 96<sup>th</sup> Street. Consistent with the Ordinance, the new landscaping would represent significant improvement in compliance with current perimeter landscaping requirements. The overall development is surrounded by a masonry screen wall.
- 1.5** To be consistent with the City's residential design guidelines and encourage variety in the development of the subdivision, a condition of approval has been included that would prohibit: 1) the placement of two identical elevations on adjacent lots or on lots across the street from each other; 2) the placement of more than two identical elevations with different exterior colors within five consecutive lots on the same side of the street.
- 1.6** The applicant has performed neighborhood outreach, including a neighborhood meeting, notification of public hearing to all property owners within 300 feet of the RV park, and provision of hearing and meeting information to park residents. To date no opposition to this proposal has been received.

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**Board of Adjustment Meeting  
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**Case No.:** BA08-059

**Location:** 8265 East Southern Avenue

**Subject:** Requesting a Special Use Permit (SUP) to allow the placement of manufactured homes on recreational vehicle spaces in the R-2-PAD zoning district.

**Decision:** Approved with conditions.

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Boardmember Hitchens, seconded by Boardmember McCray to approve case BA08-059 with the following conditions:

1. *Compliance with the site plan submitted, unless modified by the conditions below.*
2. *The placement of two identical elevations on adjacent lots or on lots across the street from each other shall be prohibited.*
3. *The placement of more than two identical elevations with different exterior colors within five consecutive lots on the same side of the street shall be prohibited.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

**Vote:** Passed 6-0

**Findings:**

- 1.1 The requested Special Use Permit would allow the placement of MHs on RV lots within the 58 acre Silveridge development. In total, 685 RV lots would be eligible for placement of MHs.
- 1.2 The proposed SUP exceeds the minimum requirements for overall park size criteria (58 acres where 10 acres is minimum); exceeds the minimum space size criteria (minimum 1,940 square feet where 1,750 square feet is minimum); exceeds the minimum space width and depth criteria (minimum 37'x47' where 34'x40' is minimum); exceeds the minimum parking criteria; exceeds the minimum open space and recreational area criteria (339,025 square feet where 68,500 square feet is minimum); and complies with the maximum enclosed floor area for units (1,094 square feet where 1,100 square feet is maximum).
- 1.3 The proposal is consistent with the recently approved Zoning Ordinance requirements. While, the subject site is designated Mixed Use Employment in the General Plan, the existing development is consistent with the underlying zoning and can continue despite the GP designation. The development is consistent with General Plan policies that support variety in housing stock, revitalization of existing developments, and improved housing construction standards and housing efficiency.

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- 1.4** Consistent with the intent of the Ordinance, perimeter landscaping exists in substantial conformance with current landscaping requirements. The overall development is surrounded by a masonry screen wall. To be consistent with the City's residential design guidelines and encourage variety in the development of the subdivision, a condition of approval has been included that would prohibit: 1) the placement of two identical elevations on adjacent lots or on lots across the street from each other; 2) the placement of more than two identical elevations with different exterior colors within five consecutive lots on the same side of the street.
- 1.5** The applicant has performed neighborhood outreach, including a neighborhood meeting, notification of public hearing to all property owners within 300 feet of the RV subdivision, and provision of hearing and meeting information to park residents. To date no opposition to this proposal has been received.

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**Board of Adjustment Meeting  
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**Case No.:** BA08-060

**Location:** 1560 South Gilbert Road

**Subject:** Requesting: 1) a Substantial Conformance Improvement Permit (SCIP); and 2) modification of a Special Use Permit (SUP); both in conjunction with an addition to an automobile service station and carwash in the C-2 zoning district.

**Decision:** Continued for 30 days to the December 9, 2008 hearing.

**Summary:** Paul O'Connor presented the request for a Substantial Conformance Improvement Permit (SCIP) and modification of a Special Use Permit (SUP), noting that the proposed drive-thru will increase business for the fueling station. In addition, he provided a revised site plan that illustrated the drive-thru wrapping around the west building elevation that would increase the stacking distance.

Ms. Elliott provided the staff recommendation, stating that a continuance would allow staff to work with the applicant to gain substantial conformance for the overall site. Some improvements that could be made to the site include increased perimeter landscaping, parking lot landscape islands, and increasing the queuing distance of the drive-thru. In addition, a continuance would allow the applicant to address how the proposed drive-thru would be compatible with, and not detrimental to, the overall development.

**Motion:** It was moved by Boardmember McCray, seconded by Boardmember von Borstel to continue case BA08-060.

**Vote:** Passed 6-0

**Findings:** N/A

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**Board of Adjustment Meeting  
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**Case No.:** BA08-061

**Location:** 922 South Country Club Drive

**Subject:** Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan for a group commercial development in the C-3-PAD zoning district.

**Decision:** Approved with conditions.

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Boardmember Hitchens, seconded by Boardmember McCray to approve case BA08-061 with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of City Council and the Design Review Board.*
3. *Attached signs for Chester's Harley-Davidson shall not exceed seven (7) signs with an aggregate area of three hundred seventy-five (375) square feet.*
4. *The existing painted sign located on the north building elevation shall be removed from the site.*
5. *Attached signs for the future building to be located at the northwest corner of Country Club Drive and Emerald Avenue shall comply with current Code requirements.*
6. *The detached sign for Chester's Harley-Davidson shall not exceed twelve (12) feet in height and eighty (80) square feet in area.*
7. *The detached sign for Chester's Harley-Davidson shall require a Sign Agreement.*
8. *The future building to be located at the northwest corner of Country Club Drive and Emerald Avenue shall be permitted one (1) eight (8) foot tall monument sign with a maximum sign area of eighty (80) square feet.*
9. *There shall be no monument signs installed adjacent to Emerald Avenue.*
10. *Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.*

**Vote:** Passed 6-0

**Findings:**

- 1.1** The applicant has proposed a total of seven attached signs with an aggregate sign area of 375 square feet for the motorcycle dealership, where current Code would allow three signs with an aggregate sign area of 160 square feet. The proposed attached signs are compatible with the development given the scale of the buildings and overall area of the property. In addition, the attached signs will be architecturally integrated with the building, and use materials that are compatible with the existing architecture. This development is intended to be a destination, and requires recognizable identification. Further, the development would have less aggregate sign area than comparable automobile dealerships.

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- 1.2** The site offers a multitude of services, ranging from the sale of Harley-Davidson motorcycles to accessories, and providing repair services. As a result, adequate attached signs are necessary to provide on-site direction to these services. The proposed attached signs are consistent with this intent, and do not clutter the building facades.
- 1.3** The future building will be on a smaller property, which will limit the size of the building. As a result, attached signs consistent with current Code requirements will be sufficient to provide identification for the future occupant.
- 1.4** The applicant has proposed a 19-foot high monument sign, while current Code would allow a 12-foot high sign. Given the size of the overall development, its proximity to the street, and scale of the buildings, the development will be highly visible from Country Club Drive. Therefore, a 12-foot high sign would be adequate to provide identification at the street, and would be in the line of sight of oncoming traffic.
- 1.5** The applicant has not proposed a separate monument sign for the future building. The overall development, inclusive of Chester's Harley-Davidson, would be permitted an aggregate sign height of 15-feet adjacent to Country Club. Given that the proposed sign would be 12-feet in height, only 3-feet would remain for the use of the future building. To maintain the residential character of Emerald Avenue, it no signs would be placed on this street. In exchange, the future building would be permitted an 8-foot high monument sign adjacent to Country Club Drive, which will provide sufficient identification for the future occupant.
- 1.6** The applicant has proposed six murals for this development, which include three signs on the existing building and three signs on the building located adjacent to the west property line. In all, these murals would add 1,296 square feet of sign area to the CSP. These murals were reviewed by the Design Review Board, which determined that the signs added value to the architecture of the buildings and were necessary to break up the building mass. The murals will be painted on aged cedar wood, and are intended to provide a history of Harley-Davidson through the use of vintage advertisements. As a result, the murals function less as signs and more as architectural details, and will be compatible with the existing development.
- 1.7** The proposed signs will mimic the architecture of the development, and will be constructed of higher quality materials. In addition, the number of signs and aggregate sign area will be appropriate for the scale of the development, will provide sufficient identification for the establishment, and will facilitate traffic to the various services offered by the business. As a result, the proposed CSP with the recommended conditions will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

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**Board of Adjustment Meeting  
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**Case No.:** BA08-062

**Location:** 5533 South Sossaman Road

**Subject:** Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan or a hangar development within Phoenix-Mesa Gateway Airport in the M-1-DMP zoning district.

**Decision:** Approved with conditions.

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Boardmember Hitchens, seconded by Boardmember McCray to approve case BA08-062 with the following conditions:

1. *Compliance with sign plan submitted, except as modified by the conditions listed below.*
2. *The three directional signs shall be modified to include a full monument base that shall receive the review and approval of Planning Division staff prior to the issuance of building permits.*
3. *Compliance with all requirements of the Building Safety Division in the issuance of sign permits.*

**Vote:** Passed 6-0

**Findings:**

- 1.1 The approved Special Use Permit (SUP) allows a Comprehensive Sign Plan (CSP) for the Cessna/Citation service center hangar, currently under development at the Phoenix-Mesa Gateway Airport. The proposed CSP replaces the CSP approved for the entire airport, for this development.
- 1.2 The approved CSP requests the use of post and panel signs without a full monument base. Given the placement of the signs in proximity to the right-of-way and the visibility of the signs, the signs should be constructed with a full monument base. A condition of approval addresses this concern.
- 1.3 On the street side of the building, the airport CSP would permit multiple attached signs with an aggregate sign area of 160 square feet. On the air side of the building, the airport CSP would permit multiple attached signs with an aggregate sign area of 400 square feet. The approved CSP for the Cessna/Citation service center hangar would permit three attached signs with an aggregate sign area of 330.4 square feet on the street sides of the building and three attached signs with an aggregate sign area of 1,328.15 square feet on the air sides of the building.

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- 1.4** Building elevations have also been provided that show the signage is in proportion to the scale of the building. Due to the use of the building, construction is generally steel paneling with large building expanses. The placement of attached signs helps to break-up the elevation and provide more visual interest. Calculations have also been provided that show the amount of each elevation devoted to signage. This amount is generally low, two percent or less. The largest area devoted to signage (7%) would occur on the southeast building elevation. This elevation faces towards the runways and the attached signage is the primary sign intended to direct pilots to the service center.
- 1.5** Standard Sign Ordinance maximums are often not sufficient to address the unique development that occurs within airports. The applicant has proposed a sign package that addresses this unique development, while maintaining a proportion and scale with the building. The proposed sign package, including the recommended conditions of approval will be compatible with and not detrimental to surrounding development.

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Respectfully submitted,

Jeffrey McVay, AICP  
Senior Planner  
Secretary, Board of Adjustment

Minutes written by Brandice Elliott, Planner I

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